

Remarks

Claim 1 has been amended to cite that the set of personality characteristics are “identified by” a previously visited voice service site and “used for presenting voice output” and are “also used in presenting voice output of a next-visited voice service site.”

First, it appears that Saylor et al. teaches, as the Examiner points out in the official action, that the voice personalization feature may be set by a user upon “subscribing an automatic reply when that user logs onto the system.” Thus, the voice personality characteristics are not “identified by a previously visited voice service site”, as claimed by claim 1, but are rather identified by the user. Additionally, it is believed that Saylor does not teach that “a set of voice personality characterisers identified by a previously visited voice service site” are “used in presenting voice output of a next-visited voice service site” as specifically claimed by claim 1. As such, it is submitted that claim 1, as amended, is patentable over Saylor et al.

Turning now to the double-patenting rejection, the Examiner asserts that the claims are not patentably distinct from each other because “both applications are similar.” With all due respect to the Examiner, that is not the test for double-patenting.

Moreover, it is noted that claim 5 went to grant in the continuation application cited by the Examiner when it was determined that claim 5 was patentable over claim 1. That is consistent with the Examiner’s rejections contained in the official action. Thus, claim 5, as allowed in the parent application, and which appears as claim 1 therein, as granted, is an inventive step away from claim 1 as originally filed in this application. Thus, claim 5 is materially different than claim 1. With the amendments made to claim 1 herein, it is submitted that claim 1, as amended, is now also an inventive step away from claim 1 as originally filed and therefore allowable over Saylor et al. It is also noted that the inventive steps go in quite different directions. Claim 5 (claim 1 in the cited patent) includes “associated permissions regarding the use of the set for presenting voice output of voice sites” and recites that “the voice browser reading and complying with these permissions.” Claim 1, as amended herein, goes off in a different direction.

Obviously, the invention of claim 1, as amended, need not be used with the invention of claim 1 of the issued patent. Claim 1 herein does not require permissions to implement it and thus, it is apparent that it is materially different from the invention of claim 1 of the cited patent.

As such, it is submitted that, with the amendments made to claim 1 herein, that not only have the prior art rejections been overcome, but also the non-statutory double-patenting rejection.

Reconsideration of this application as amended is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

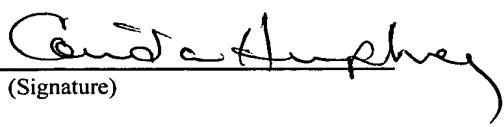
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July 19, 2004

(Date of Deposit)

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July 19, 2004

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Respectfully submitted,



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